

Changes to Outsourcing Standard (red font, strike-out, language additions)

May 23, 2007 Compact Council meeting (June 27, 2007 e-mail message to AR's and Channelers)

- 2.01 Prior to engaging in outsourcing any noncriminal justice administrative functions, the Authorized Recipient shall: (a) request and receive written permission from (1) the State Compact Officer/Chief Administrator¹ or (2) the FBI Compact Officer²; (b) provide the Compact Officer/Chief Administrator copies of the specific authority for the outsourced work, criminal history record check requirements, and/or a copy *of relevant portions* of the contract as requested; and (c) inquire of the FBI Compact Officer whether a prospective Contractor has any security violations (See Section 8.04). The FBI Compact Officer will report those findings to the Authorized Recipient and, when applicable, to the State Compact Officer/Chief Administrator.
- 2.05 The Authorized Recipient is responsible for the actions of the Contractor and shall monitor the Contractor's compliance to the terms and conditions of the Outsourcing Standard. The Authorized Recipient shall certify to the Compact Officer/Chief Administrator that a compliance review was conducted with the Contractor within 90 days of *execution the date the Contractor first receives CHRI under the terms* of the contract. Such 90-day compliance review and certification is not applicable to an Authorized Recipient contracting with an FBI-approved Channeler solely for the purpose of electronically transmitting noncriminal justice fingerprints to the FBI and receiving the results of the fingerprint checks for prompt transmittal to the Authorized Recipient.

Foot 2 The Compact Officer/Chief Administrator may not grant such permission unless he/she has implemented a combined state/federal audit program to, at a minimum, triennially audit a representative sample of the Contractors and Authorized Recipients engaging in outsourcing with the first of such audits to be conducted within one year of the *signing date the Contractor first receives CHRI under the terms* of the contract. A representative sample will be based on generally accepted statistical sampling methods.

November 7, 2007 Compact Council meeting (December 19, 2007 e-mail message to AR's)

- 2.05 The Authorized Recipient is responsible for the actions of the Contractor and shall monitor the Contractor's compliance to the terms and conditions of the
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Outsourcing Standard. The Authorized Recipient shall certify to the Compact Officer/Chief Administrator that a compliance review was conducted with the Contractor within 90 days of the date the Contractor first receives CHRI under the terms of the contract. *Such 90-day compliance review and certification is not applicable to an Authorized Recipient contracting with an FBI-approved Channeler solely for the purpose of electronically transmitting noncriminal justice fingerprints to the FBI and receiving the results of the fingerprint checks for prompt transmittal to the Authorized Recipient. Instead, the 90-day compliance reviews of FBI-approved Channelers shall be performed by the FBI.*

May 14, 2008 Compact Council meeting

- 3.08 The Contractor shall maintain CHRI only for the period of time necessary to fulfill their contractual obligations but not to exceed the period of time that the Authorized Recipient is authorized to maintain and does maintain the CHRI. *CHRI disseminated by a Channeler to an Authorized Recipient via an authorized Web site shall remain on such Web site only for the time necessary to meet the Authorized Recipient's requirements but in no event shall that time exceed 30 calendar days.*

10.0 Exemption from Above Provisions

- 10.01 a. An Authorized Recipient that contracts with an Information Technology (IT) contractor is exempt from Sections 1.0 through 9.0 of this Outsourcing Standard when:*
- 1. Access to CHRI by the IT contractor's personnel is limited solely for the development and/or maintenance of the Authorized Recipient's computer system;*
 - 2. Access to CHRI is incidental, but necessary, to the duties being performed by the IT contractor;*
 - 3. The computer system resides within the Authorized Recipient's facility;*
 - 4. The Authorized Recipient's personnel supervise or work directly with the IT contractor personnel;*
 - 5. The Authorized Recipient maintains complete, positive control of the IT contractor's access to the computer system and CHRI contained therein; and*
 - 6. The Authorized Recipient retains all of the duties and responsibilities for the performance of its authorized noncriminal justice administrative functions, unless it executes a separate contract to perform such noncriminal justice administrative functions, subject to all applicable*

- requirements, including the Outsourcing Standard.*
- b. To utilize this exemption, the Authorized Recipient shall, at a minimum and prior to engaging in work under the contract that will allow IT contractor personnel limited access to CHRI, comply with the following requirements as an alternate method of providing adequate security, integrity, and confidentiality of CHRI:*
- 1. Obtain written permission from the appropriate Compact Officer/Chief Administrator;*
 - 2. Take positive actions to ensure that the IT contractor cannot access any CHRI other than that necessary to accomplish the contracted work;*
 - 3. Execute a contract with the IT contractor which specifies the computer development and/or computer maintenance work to be performed that will result in the IT contractor's personnel having limited access to CHRI. If the IT contractor is a government agency, a Management Control Agreement is acceptable;*
 - 4. Incorporate the CJIS Security Policy, by reference, in the contract;*
 - 5. Maintain up-to-date records of IT contractor personnel who have limited access to CHRI;*
 - 6. Perform an appropriate background investigation of each of the IT contractor's personnel with limited access to CHRI; and*
 - 7. Require each of the IT contractor's personnel with limited access to CHRI to sign a Nondisclosure Statement providing that CHRI may be disclosed only to the Authorized Recipient's personnel or other IT contractor personnel who need such information to develop or maintain the computer system, and that the CHRI shall not be further disclosed.*